

**Arkansas Department of Health**  
**Proposed Rules Pertaining to the ASBH**  
**Rules and Regulations for Control of Sources of Ionizing Radiation**  
**Public Comments Received**

A public hearing was conducted June 10, 2014 at 10:00 a.m. in Room #906 at the Freeway Medical Tower, 5800 West 10<sup>th</sup> Street, Little Rock, Arkansas. No oral comments were received during the hearing.

Written comments (via electronic mail) were received by the deadline prior to the hearing and follow.

Response to written comments from a colleague of Dr. Miranda Childs Bebee received May 13, 2014:

<b>Comment</b>	<b>Response</b>
The first change is to section RH-21 1-4 Initial Registration and requires a new pano or other X-ray machine to be registered BEFORE it can be used. Current rules allow 30 days for registration. When a new machine is installed, it is ready for patient treatment and having to wait for the registration certificate to be generated by the ADH will delay patient treatment. In the case of a panoramic film where cancers of the jaw are often first detected, this delay in diagnosis could have significant health consequences.	The proposed RH-21. has been revised to reflect registration within 30 days of acquisition. Certain machine uses are given that must be authorized by the Department prior to operation.
The second change is to section RH-26 1-5 (pg 29) deletes the 10 day reporting period for changes to x-ray machines and requires the ADH be notified BEFORE any changes are made. This is simply unnecessary as these changes usually include the retirement of old equipment which is usually recycled or given to a charitable clinic often outside the US.	The proposed RH-26. has been revised to reflect notification of the Department regarding registration changes within 10 days of the change. Changes regarding certain machine uses must be reported prior to the change being made.

Response to written comments from Arthur Wolover, CRNA, APRN, received June 10, 2014:

<b>Comment</b>	<b>Response</b>
The regulation of concern can be found on Page 1-4: PART C. REGISTRATION OF RADIATION MACHINES RH-21 c. In the interest of clarity and accuracy, and to reflect current CRNA/APRN practice in Arkansas, we believe that the State Board of Nursing should be added to those Boards cited and enclosed in parentheses. The paragraph would then read: "A practitioner, licensed by the	The applicant/registrant having physical possession or control of a radiation machine capable of producing radiation in the state of Arkansas, or an individual duly authorized to act for and on his behalf, is who must sign the registration application. This intent is clarified in the proposed RH-21.

<p>respective state board of examiners (i.e., state medical board, state dental board, state chiropractic board, state podiatric board, <b><u>state nursing board</u></b>), responsible for directing the operation of radiation machines . . . " CRNAs, as do other Advanced Practice Registered Nurses (APRNs), fall within the definition of "A practitioner . . . responsible for directing . . . " when they order Xrays, for example, in the regular course of their practices.</p> <p>The American Association of Nurse Anesthetists' document, <u>Scope of Nurse Anesthesia Practice</u>, within the section <u>Anesthesia Practice</u>, states "CRNAs . . . order and evaluate diagnostic tests; . . . " and, "CRNAs plan and initiate anesthetic techniques, including general, regional, local, and sedation. Anesthetic techniques may include the use of ultrasound, <b>fluoroscopy</b>, and other technologies for diagnosis and care delivery, and to improve patient safety and comfort."</p> <p>We believe that the regulation, as written, is ambiguous as to its intent when listing the various boards, whether for purposes of illustration or for purposes of exclusivity. In order to remove that ambiguity, we would ask that the above language be substituted as indicated within the proposed regulation.</p>	
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